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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/783,159	02/13/2001	Michael R. Krause	10001459-1	2070

7590 08/09/2004

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EXAMINER	
BONURA, TIMOTHY M	
ART UNIT	**PAPER NUMBER**
2114	

DATE MAILED: 08/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/783,159	KRAUSE ET AL.	
	Examiner	Art Unit	
	Tim Bonura	2114	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *18 May 2004*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-16 and 21-27* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) *21-27* is/are allowed.

6)☒ Claim(s) *1,10,15 and 16* is/are rejected.

7)☒ Claim(s) *2-9 and 11-14* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *13 February 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

- Claims 1, 10, and 15-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hill, et al., U.S. Patent Number 6,161,198, and in further view to Chan, U.S. Patent Number 6,539,446.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1,10, and 15-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hill, et al., U.S. Patent Number 6,161,198, and in further view to Chan, U.S. Patent Number 6,539,446.

3. Regarding claim 1:

a. Regarding the limitation of, "establishing a primary sequence number generator," detecting that a primary sequence number generator is unavailable," Hill discloses a system wherein a processing unit transmits a message and includes a sequence number. (Lines 6-8 of Column 2). Hill, as shown in the first limitation, has a first generator connected to it. (See Figure 5, item 502 and Lines 35-39 of Column 7).

b. Regarding the limitation of, "establishing a secondary sequence number generator," Hill also discloses a second generator, (See Figure 5, item 504 and Lines 49-52 of Column 7).

c. Regarding the limitation of, "generating a sequence number at an originating node," Hill discloses a system wherein a processing unit transmits a message and includes a sequence number. (Lines 6-8 of Column 2).

d. Regarding the limitation of "storing the sequence number response at the secondary sequence number generator", Hill discloses a system wherein the sequence number is stored prior to failure. (Lines 28-30 of Column 2).

e. Regarding the limitation of "forwarding the response sequence number from the secondary sequence number generator to the originating node," Hill discloses a system wherein a processing unit transmits a message and includes a sequence number. (Lines 6-8 of Column 2). Hill, as shown in the first limitation, has a first generator connected to it. (See Figure 5, item 502 and Lines 35-39 of Column 7). Hill also discloses a second generator, (See Figure 5, item 504 and Lines 49-52 of Column 7). Hill does not disclose a system that the first generator forwards the sequence number to the second generator. However, Chan discloses a system wherein lock data is generated for a first node and can be passed to a second node. The second node is ability to access the locked device. (Lines 40-52 of Column 3). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the system of Hill with the data passing structure of Chan to achieve a sequence number passing system in which the sequence number is available if a node fails. One of ordinary skill in the art would have been motivated to combine the references of Hill and Chan because Hill discloses a system wherein upon a processing unit failing, sequence numbers and numerical data are lost during the failure. (Lines 20-28 of Column 4). Chan discloses a system that can save "lock data", numerical

data, on a second node incase the original data is lost or unusable. (Lines 20-25 of Column 4). Therefore is would have been an improvement on the system of Hill to incorporate the data passing of Chan so that numerical data can be maintained.

f. Regarding the limitation of, "forwarding the sequence number request to the primary sequence number generator," Chan discloses a system wherein lock data can be made available nodes upon failure detection. (Lines 6-11 of Column 5).

g. Regarding the limitation of, "forwarding the sequence number respond to the secondary sequence number generator," Chan discloses a system wherein lock data can be made available nodes upon failure detection. (Lines 6-11 of Column 5).

4. Regarding claim 10:

h. Regarding the limitation of "a plurality of sequence number devices, connected via a fabric, including at least a primary sequence number generator and a secondary sequence number generator", Hill discloses a system with two sequence number generators. The first generator is connected directly to Host A (See Figure 5, item 502 and Lines 35-39 of Column 7). The second generator is connected directly to Host B (See Figure 5, item 504 and Lines 49-52 of Column 7). Host A and B are connected. (See Figure 5, Items 522, 524, and 514).

i. Regarding the limitation of " the primary sequence number generator disposed to a receive sequence number request from an originating device and to a forward sequence number response to the secondary sequence number generator", Hill discloses a system wherein a processing unit transmits a message and includes a sequence number. (Lines 6-8 of Column 2). Hill, as shown in the first limitation, has a first generator connected to

it. (See Figure 5, item 502 and Lines 35-39 of Column 7). Hill also discloses a second generator, (See Figure 5, item 504 and Lines 49-52 of Column 7). Hill does not disclose a system that the first generator forwards the sequence number to the second generator. However, Chan discloses a system wherein lock data is generated for a first node and can be passed to a second node. The second node is ability to access the locked device. (Lines 40-52 of Column 3). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the system of Hill with the data passing structure of Chan to achieve a sequence number passing system in which the sequence number is available if a node fails. One of ordinary skill in the art would have been motivated to combine the references of Hill and Chan because Hill discloses a system wherein upon a processing unit failing, sequence numbers and numerical data are lost during the failure. (Lines 20-28 of Column 4). Chan discloses a system that can save "lock data", numerical data, on a second node incase the original data is lost or unusable. (Lines 20-25 of Column 4). Therefore is would have been an improvement on the system of Hill to incorporate the data passing of Chan so that numerical data can be maintained.

j. Regarding the limitation of "the secondary sequence number generator disposed to receive the sequence number response, store the sequence number response in memory, and forward the response to the originating device", Chan discloses a system wherein the a second node can store the lock data and use the data to manage a resource. (Lines 35-50 of Column 4).

5. Regarding claim 15, Hill discloses a system where the primary and secondary number generators store current sequence number in memory. (Lines 58-62 of Column 2).

6. Regarding claim 16, Hill discloses a system wherein the sequence numbers are associated with sequential transmitted source messages. (Lines 23-27 of Column 2).

Allowable Subject Matter

7. Claims 2-9 and 11-14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

8. Claims 21-27 are allowed.

Response to Arguments

9. Regarding the objections under rule 1.126. The objections have been removed.

10. Examiner acknowledges the cancellation of claims 17-20.

11. Regarding the rejection under U.S.C. 101, in light of the amendments (paper number 6) to the claims the objections are hereby removed.

12. Applicant's arguments, see paper number 6, filed 05/18/2004, with respect to rejection of claim 11 have been fully considered and are persuasive. The rejections of claims 11-13 have been withdrawn. Regarding claim 2 –9, claim 2 corresponds to claim 11 and hereby all rejections of the claim have been removed.

13. Applicant's arguments filed 5/14/2004, regarding claim 10, have been fully considered but they are not persuasive.

14. Regarding the arguments over claim 10:

k. The applicant argues that Hill dose not disclose receiving sequence number requests form an originating device. The examiner contends that Hill does disclose a sequence number being generated from a source. Hill discloses that a sequence number can be generated by a host along with a message to be sent and then the message and the number can be received with the message from the corresponding host. (See figure 6 and Lines 45-62 of Column 8). This would constitute two separate systems.

Conclusion

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Tim Bonura.**

- The examiner can normally be reached on **Mon-Fri: 7:30-5:00, every other Friday off**. The examiner can be reached at: **703-305-7762**.

16. If attempts to reach the examiner by telephone are unsuccessful, please contact the examiner's supervisor, **Rob Beausoliel.**

- The supervisor can be reached on **703-305-9713.**

17. The fax phone numbers for the organization where this application or proceeding is assigned are:

- **703-872-9306 for all patent related correspondence by FAX.**

18. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov/. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

19. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **receptionist** whose telephone number is: **703-305-3900.**

20. Responses should be mailed to:

- **Commissioner of Patents and Trademarks**

  P.O. Box 1450

  Alexandria, VA 22313-1450

Tim Bonura
Examiner
Art Unit 2114

tmb
August 6, 2004

ROBERT BEAUSOLIEL
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100